UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,234	04/03/2001	Keith Ludwig	BTI 01.01 D	9839

27667　7590　01/10/2006		EXAMINER	
HAYES, SOLOWAY P.C.		KESACK, DANIEL	
3450 E. SUNRISE DRIVE, SUITE 140			
TUCSON, AZ　85718	ART UNIT	PAPER NUMBER
	3624	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/825,234	LUDWIG ET AL.
	Examiner	Art Unit	
	Dan Kesack	3624	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *7/12/2001*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This application has been reviewed. Original claims 1-34 are pending. The

rejections are as stated below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 3, 8, 9, 11-13, 17, 23, 27, 30, 31 rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 3, 12, 13, 17, 27, and 31 recite "said financial data". There is insufficient

antecedent basis for this limitation in the claim. Claim 1, from which these claims

depend, does not mention "financial data".

Claims 8, 9, 11 recite "said selected business object". There is insufficient

antecedent basis for this limitation in the claim. Claim 1, from which these claims

depend, does not mention a "selected business object".

Claim 23 recites "said original data". There is insufficient antecedent basis for

this limitation in the claim. Claim 1, from which this claim depends, does not mention

"original data".

Claim 30 recites "said object". There is insufficient antecedent basis for this

limitation in the claim. More than one "object" is mentioned in claim 30 and claim 1 from

which it depends. Clarification is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims 1-7, 12-21, 24-31 rejected under 35 U.S.C. 102(a) as being anticipated by

Kitchen et al. U.S. Patent No. 6,289,322.

Kitchen discloses an electronic bill processing method and system comprising:

(Re: Claims 1-4, 7, 14-16, 18, 19, 24-27, 30, 31)

        a network interface for receiving and transmitting communications via the

Internet (column 6 lines 29-30);

storing data related to a number of biller entities, and a number of payer

entities, biller data such as biller's name, remittance center address, deposit

account number, account numbers of respective payers (column 6 lines 37-42)

and payer information such as name, social security number, address, and

telephone numbers (column 11 lines 20-27);

memory storing billing information, associated with various billers,

representing bills for various payers, the billing information received from the

billers via the network (column 3 lines 9-15);

multiple methods of completing a transaction based on the biller data and

payer data stored in memory, including electronic funds transfer and hardcopy

check, and a payer selecting which method of completing the transaction should

be used (column 8 lines 58-67);

the processor generating instructions to transmit the electronic funds

transfer instructions via the network if the electronic funds transfer method is

selected by the payer, and generating instruction to print a hardcopy check if the

hardcopy check method is selected by the payer (column 9 lines 7-10 and 30-

33);

(Re: Claims 5, 12)

the server processor normalizing the billing information received from

billers, and storing the information in memory, and inserting said billing

information into billing templates including degrees of detailed billing information,

logos, and terms and conditions (column 6 line 65 – column 7 line 5);

(Re: Claim 6)

notifying the payer of a bill, send said processed billing information in a

billing template via email or other message (column 7 lines 8-10);

(Re: Claim 13, 17)

completing the transaction between the biller and the payer in accordance

with the method selected by the payer, transmitting via network an electronic

funds transfer instruction to the payer's deposit account at one of the applicable

financial institutions, or generating a hardcopy check with the appropriate

account information (column 12 lines 39-48);

(Re: Claims 20, 21, 28, 29)

security features including using private user information such as social

security number, and mother's maiden name for verification purposes, and

requiring the user to complete log on information in order to access the system,

in the form of a user name and password (column 11 lines 23-25 and 49-51).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

8.   Claims 8-11, 22, 23, 32-34 rejected under 35 U.S.C. 103(a) as being

unpatentable over Kitchen et al.

Kitchen fails to teach the use of an extensible markup language, structured query

language, or non-browser XML-enabled application in order to display information and

interact with the system, using a firewall, and the use of a backup mechanism.

Official notice is taken that extensible markup languages, structured query

languages, and XML are old and well known methods of performing operations in a

database, or transmitting messages and information over a network such as the

Internet. Therefore, it would be obvious to one of ordinary skill in the art at the time of

the Applicant's invention to use these well known methods in order to implement the

system and method disclosed in Kitchen.

Further, firewalls and database backups are also old and well known in the art. It

would be obvious to one of ordinary skill in the art at the time of the Applicant's

invention to incorporate a backup mechanism and a firewall in the system and method

disclosed in Kitchen. The use of these well known methods protects and secures

sensitive financial information, such as the information being processed by the system

and method of Kitchen. It is desirable that such a system be safe, secure, and

protected against data loss and system failure.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dan Kesack whose telephone number is 571-272-5882.

The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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HANI M. KAZIMI
PRIMARY EXAMINER